

### REMARKS

In response to the office action dated April 7, 2006, Applicant amended claims 1, 43, 52, 60, 64, 67, and 70-75, and added new claims 76-80. Claims 1-80 are presented for examination.

The Examiner rejected claims 1-16, 20-36, 40-46, 48-55, 57-71, 74, and 75 under 35 U.S.C. §102(b) as being anticipated by 3M, WO 96/05264 ("3M").

As amended, claims 1-16, 20-36, 40-46, 48-55, 57-71, 74, and 75 require compositions that include a PHA containing at least about 65 wt% of a 3-hydroxybutyrate monomer.<sup>1</sup> 3M describes pressure sensitive adhesives (PSAs) that include a poly( $\beta$ -hydroxyorganoate) of general formula (I). See, e.g., 3M at the abstract. It also describes that "typical polymers useful in the PSA compositions of the present invention can have a total of up to 20 mole-% monomeric units wherein R is C<sub>1</sub>, C<sub>2</sub>, or C<sub>3</sub> group, or mixtures thereof, and at least about 80 mole-% monomeric units wherein R is C<sub>4</sub>, C<sub>5</sub>, C<sub>6</sub>, C<sub>7</sub>, ... C<sub>27</sub> group, or mixtures thereof." See page 8, lines 10-13, emphasis added. Thus, when 3M discloses 3-hydroxybutyrate in a PHA, the 3-hydroxybutyrate is always in an amount of up to 20 mole%. This would correspond to less than 20 wt% of 3-hydroxybutyrate because 3-hydroxybutyrate has the lowest molecular weight among the monomeric units mentioned in 3M. As a result, 3M does not disclose a PHA containing at least about 65 wt% of a 3-hydroxybutyrate monomer, as required by amended claims 1-16, 20-36, 40-46, 48-55, 57-71, 74, and 75. Neither is there any suggestion to modify 3M to provide such a PHA. Thus, Applicant requests reconsideration and withdrawal of this rejection.

The Examiner rejected claims 37-39, 47, 56, 72, and 73 under 35 U.S.C. §103(a) as being obvious over 3M.

As amended, claims 37-39, 47, 56, 72, and 73 require compositions that include a PHA containing at least about 65 wt% of a 3-hydroxybutyrate monomer. As discussed above, 3M does not disclose or suggest a PHA containing at least about 65 wt% of a 3-hydroxybutyrate monomer. Further, 3M teaches that "[p]olymers that contain more than 20 mole-% monomeric units where R is a C<sub>1</sub>-3 group are generally unacceptable pressure sensitive adhesives because such groups tend to crystallize with time." See page 8, lines 13-16. In other words, 3M teaches

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<sup>1</sup> Support for the amendment can be found at, e.g., page 18, lines 3 and 13 of the Specification.

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one skilled in the art away from a PHA containing at least about 65 wt% of a 3-hydroxybutyrate monomer, as required by amended claims 37-39, 47, 56, 72, and 73. Thus, Applicant requests reconsideration and withdrawal of this rejection.

The Examiner rejected claims 17-19 under 35 U.S.C. §103(a) as being obvious over 3M in view of The Proctor and Gamble Company, WO 97/04036 ("P&G").


Claims 17-19 depend from claim 1, which is discussed above. Neither 3M nor P&G, alone or in combination, discloses or suggests the compositions covered by claims 17-19. There is no suggestion to combine these two references to provide such compositions, and, even if the references were combined, the result would not be the compositions covered by claims 17-19. Thus, Applicant requests reconsideration and withdrawal of this rejection.

Applicant believes that the application is now in condition for allowance, which action is requested.

Enclosed are a check for the excess claim fee and a check for the Petition for Extension of Time fee. Please apply any other charges to deposit account 06-1050, referencing Attorney's Docket No.: 14074-007001.

Respectfully submitted,

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